Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-04283-0532-041 | Date: 4/8/11 | Time: 0915 hours

Location: [redacted] Denton Avenue | City or Station: Rosemead

Bureau/Station/Facility: FOR I/ Temple Station | Admin. Investigation: YES [ ] NO [X]

Type of Force: Significant Force/ Taser/ Take Down/Resisted Handcuffing

Deputy Injury: YES [ ] NO [X] | Suspect Injury YES [X] NO [ ]

[X] Call | [ ] Observation | [ ] Detail | [ ] Foot Pursuit | [ ] Vehicle Pursuit

IAB Notified: YES [X] NO [ ] | Person Notified: Lt. A. Ault | Emp: [redacted] | IAB Roll Out: YES [ ] NO [X]

Involved Employee

E1

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name:

Sex: [X] Male [ ] Female | Race: W | Unit of Assignment: Temple Sheriff's Station | Work Assignment (Unit #, Module, etc.): 57A/Days

Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 603 | Weight: 245

[ ] Injured [ ] Treated [ ] Admitted Hospital: | Coroner Case #: | Directed Force [ ] Significant Force [X]

E2

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name:

Sex: [redacted] | Race: [redacted] | Unit of Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

Shift: [redacted] | Age: [redacted] | Height: [redacted] | Weight: [redacted]

[ ] Injured [ ] Treated [ ] Admitted Hospital: | Coroner Case #: | Directed Force [ ] Significant Force [X]

E3

Employee #: [redacted] | Last Name: [redacted] | First Name: [redacted] | Middle Name:

Sex: [X] Male [ ] Female | Race: H | Unit of Assignment: Temple Sheriff's Station | Work Assignment (Unit #, Module, etc.): 52/Days

Shift: [ ] EM [X] Day [ ] PM | [X] Regular Shift [ ] OT Shift [ ] Off Duty | Age: [redacted] | Height: 602 | Weight: 220

[ ] Injured [ ] Treated [ ] Admitted Hospital: | Coroner Case #: | Directed Force [ ] Significant Force [ ]

[ ] Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Miranda	Ronald		Sgt.	YES [X] NO [ ]	YES [ ] NO [X]
					YES [ ] NO [ ]	YES [ ] NO [ ]

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Dexter	James	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Marascola	Richard	

Richard Marascola, Sergeant
Watch Commander (**Print Name**) | Watch Commander's **Signature**: [signature] | Emp #: [redacted] | Date: 7/12/11

Ronald Miranda , Sergeant
Supervisor Completing Form: (**Print Name**) | Emp #: [redacted] | Copy Provided to Employee by: Yannira Ruelas | Emp #: [redacted]

Joseph F. Fennell, Jr., Captain
Unit Commander (**Print Name**) | Unit Commander's **Signature**: [signature] | Emp #: [redacted] | Date: 7/12/11

DISCOVERY Use Only
FO# 2291955YR

No Attachments

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
9 1 1 - 0 4 2 8 3 - 0 5 3 2 - 0 4 1

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☒ Female	H	Temple Station	53T1/Days

Shift:		Age:	Height:	Weight:
☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	503	135

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital: ____		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
911-04283-0532-041

Suspect Information

S 1

Last Name: Munoz	First Name: Abraham	Middle Name: Marcus
AKA Last Name:	First Name:	Middle Name:

Sex: [X] Male [ ] Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 29 | Height: 510 | D.O.B. 07-12-81 | Weight: 185 | Armed? [ ]

Booking #: 2700691 | Primary Charge Code: 211P.C. | Secondary Charge Code: 148(a)(1) P.C. | Criminal History [redacted]

EMT in attendance? [X] YES [ ] NO Name: L. A. County Fire Department Unit: Engine #4 Phone #: 626-280-1833

Hospital Admission? [ ] Rec'd Treatment At: Garfield Medical Center Coroner Case #: Mental History [ ]

By Doctor: M. Goldberg Address: 525 N. Garfield Avenue, Monterey Park 91754 Phone #: 626-307-2129

Under Influence: [ ] YES [X] NO Substance: Mental Illness [X]

Suspect Interview

Date: 04-08-11 | Time: 0942 | [ ] Audiotape: [X] Videotape: [X] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name
AKA Last Name	First Name	Middle Name

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: Unit: Phone #:

Hospital Admission? [ ] Rec'd Treatment At: Coroner Case #: Mental History [ ]

By Doctor: Address: Phone #:

Under Influence: [ ] YES [ ] NO Substance: Mental Illness: [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name
AKA Last Name	First Name	Middle Name

Sex: [ ] Male [ ] Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? [ ]

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History [ ]

EMT in attendance? [ ] YES [ ] NO Name: Unit: Phone #:

Hospital Admission? [ ] Rec'd Treatment At: Coroner Case #: Mental History [ ]

By Doctor: Address: Phone #:

Under Influence: [ ] YES [ ] NO Substance: Mental Illness [ ]

Suspect Interview

Date: | Time: | [ ] Audiotape: [ ] Videotape: [ ] Photos of Injuries: [ ] ADMITS HEARING ANNOUNCEMENTS

[ ] Additional Suspects Involved

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Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Munoz	S#1	[redacted]	E#4	UC/RS	NN	
Munoz	S#1	[redacted]	E#2	UC/RS	NN	
[redacted]	E#1	Munoz	S#1	TR	PW	AR
Munoz	S#1	[redacted]	E#2	UC/RS/PO	NN/NN	
[redacted]	E#2	Munoz	S#1	PS	FR	FA
[redacted]	E#3	Munoz	S#1	RH	NN	
[redacted]	E#4	Munoz	S#1	RH	NN	

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Force Applied

SIGNIFICANT FORCE/ TASER / TAKEDOWN / RESISTED HANDCUFFING

Incident Details

Deputies Karen O'kane and [redacted] responded to the location in regards to a possible robbery just occurred call, in which the suspect punched the victim in the face and stole his property. The call further provided a suspect description and said the suspect possibly entered an [redacted] house on the [redacted] corner of Newmark Avenue /Denton Avenue. Deputy [redacted] went to the suspect's last known location and saw a male matching the suspect's description standing in the property of [redacted] Within seconds, Deputy [redacted] was approached by the victim, who pointed at the suspect and confirmed it was the same person who robbed him.

Deputy [redacted] detained the suspect at gunpoint and ordered him to raise his hands in the air, as she requested additional units to her location. The suspect ignored her requests and refused to cooperate, as he walked toward her with his fists clenched. Eventually, the suspect ran southbound into the backyard of the aforementioned address behind his residence. The suspect continued to peek his head out from behind his residence. There is approximately three feet clearance between the residence and the rear cinder block wall dividing the properties.

Once Deputy [redacted] arrived on scene, both he and Deputy [redacted] ordered the suspect at gunpoint to walk out from behind the residence with his hands in the air. The suspect refused to cooperate, rambled incoherently and displayed the symptoms of a person under the influence of a controlled substance.

Meanwhile, Deputy [redacted] was maintaining a containment position at [redacted] Denton Avenue, one house [redacted] of the suspect's location. Deputy [redacted] could hear the deputies ordering the suspect to exit with his hands up, and the suspect's refusal to cooperate. Deputy [redacted] approached the open north gate of the location and paralleled the suspect's location behind a cinder block wall separating the properties. Deputy [redacted] had a clear view of the suspect, who never knew Deputy [redacted] was behind him. Deputy [redacted] saw the suspect was bending at the knees reaching into his front waistband in a shooting type stance, refusing to cooperate, then stating he had a revolver. Deputy [redacted] deployed the Taser into the suspect's back, causing the suspect to stumble forward and momentarily incapacitating him. The suspect managed to break free from one of the Taser probes, rendering the Taser ineffective. The suspect started running eastbound through the backyard, then northbound behind a converted garage out of the deputies view. Deputy [redacted] exited the rear yard of [redacted] Denton Avenue and maintained his original containment position, to ensure the integrity of the containment.

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Deputies [redacted] and [redacted]ever saw the suspect exit the yard, but they heard a dog barking uncontrollably in the backyard of [redacted] Denton Avenue. The residence is a single dwelling subdivided into several smaller dwellings, that extend all the way to the east cinder block with no way for the suspect to continue south. Deputies [redacted] and [redacted] saw a dog on a leash in the backyard of the property facing south barking uncontrollably toward the smaller subdivided residences. The deputies were unable to see from their angle if the suspect possibly entered one of the dwellings, thus jeopardizing the lives of innocent persons/families. The deputies entered the yard, using good tactics and slicing the angle to determine the suspect's whereabouts and to assess the situation from a better vantage point. The deputies saw the suspect hiding in a corner behind a stack of boxes, and ordered him at gunpoint to come out with his hands in the air. The suspect initially complied with the deputies' commands and stepped out with his hands in the air. Deputy [redacted] went to control the suspect's hands and handcuff him, the suspect then tried to break free from the deputies' grasp. Deputy [redacted] realizing this was a dangerous situation, took immediate action and swept the suspect's legs with his right leg and took the suspect to the ground, causing him to strike his face and upper body on the concrete.

I (Sergeant Miranda) arrived on scene and saw Deputy [redacted] place his knee in the middle of the suspect's back in order to hold him down and control him, as he moved his head and upper body up and down, side to side wildly resisting and refusing to cooperate. We ordered the suspect numerous times to stop fighting and stop resisting, but he refused to cooperate. Deputy [redacted] grabbed the suspect's right hand and handcuffed it, as Deputy [redacted] grabbed and controlled the suspect's left hand, while Deputy [redacted] completed the handcuffing without further incident.

Reported Use of Force by Involved Employee(s)

Deputies [redacted] [redacted] and [redacted] completed written reports of their actions and observations. Their reports were consistent with their actions, verbal notifications and my personal observations.

Witness Interview(s)

I was unable to locate any witnesses at the time of the incident.

Suspect Interview(s)

Suspect Interview(s) Conducted By: x Watch Commander X Supervising Sergeant

I interviewed Suspect Munoz at the scene in the back seat of a radio car, prior to the arrival of paramedics. Suspect Munoz appeared to possibly be under the influence of narcotics or psychologically inept. He was unable to formulate a clear thought or articulate what occurred. He rambled and at times was incoherent, then changed his statement when confronted with specific facts.

Suspect Munoz said deputies came to arrest him. He said the female deputy was nice, but a male deputy told him if he did not stop, he was going to beat the crap out of him or something like that. Suspect Munoz said the female deputy came up really fast, so he went behind his property to calm his nerves because he was scared. He said he was pumped up and he had mixed emotions. He said he hopped a wall into his neighbors yard to be close to home, then he hid behind a box and the deputies got him.

He added he was "Tasered" and he froze for seconds, then the probe popped off. He said he initially thought he was shot, but realized he was not, he then hopped into his neighbors yard. He said after he was arrested, he took three to four hits to the back of the head. He said one of the hits was a kick to the head and the other three were punches to the head. I explained to Suspect Munoz that I was present when the deputies were trying to handcuff him and I did not see anyone kick or punch him, but I did see him resisting moving his head and upper body wildly. He then changed his statement and denied being kicked in the head and said once he was taken to the floor, they held his head down and punched him two times.

I asked Suspect Munoz if he was injured. He said his right eye was injured and he was bleeding from his mouth.

Suspect Munoz denied being under the influence of alcohol or illegal drugs. He added he has been diagnosed with depression and is taking medication for his illness.

Medical Review

Suspect Munoz was initially treated at the scene by paramedics from Los Angeles County Fire Squad # 4 under Captain Salgucch, then transported via AMR Ambulance # 8357 to Garfield Hospital.

Doctor M. Goldberg examined Suspect Munoz and determined he suffered a mild fracture to his right "Maxillary Sinus" (just below his right eye) and had a Taser probe removed from the back of his right arm. Doctor M. Goldberg said the suspect's injuries were consistent with the reported force of blunt trauma to the right eye area and being "Tased." Suspect Munoz was issued antibiotics and given an O.K. to book.

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Training & Tactical Review

☒ **Debriefing held to discuss training and tactical issues.**

Based on the totality of the circumstances, it is my opinion the deputies used sound tactics and reasonable force to subdue the suspect and defuse the situation, before it could escalate into a more serious situation for the deputies and the suspect. The deputies actions toward the use of force was necessary, objectively reasonable and within the Department's guidelines.

A debriefing was conducted at the scene shortly after the incident. We reiterated the importance of good communication from deputies at the scene, as well as advising responding units (when safe to do so) of what is needed. We discussed the importance of teamwork and setting up a containment, or having another unit set up the containment and the importance of utilizing Department resources such as an Aero unit or K-9 unit.

Furthermore, Deputy [redacted] decision to approach the suspect from behind, using a cinder block wall as cover, and out of the line of fire from Deputies [redacted] and [redacted] was an outstanding tactic. In fact, one of the ideal areas to strike a person with the Taser is the large muscle group of the back. Deputy [redacted] effort to resolve this high risk situation before it escalated into deadly force was outstanding.

Deputies [redacted] and [redacted] decision to enter the backyard rather then wait for a K-9 unit would have been questionable, especially when leaving good cover and possibly forcing a bad situation. However, the deputies were able to articulate their concern for innocent persons/children possibly being jeopardized and the need to assess the situation and obtain a visual from a closer vantage point. The deputies were able to explain their actions and show me they still had cover and concealment with the exterior wall of the dwelling, as they sliced the pie to get a better angle of the exterior doors.

In addition, Deputy [redacted] realized the importance of controlling the suspect and not allowing him to break free. Failure to do so, could have easily escalated into a much more serious situation. Alternative force options such as OC spray and or other less lethal weapons were discussed, but the suspect's initial cooperative demeanor, then unpredictable violent attitude was unexpected. Deputy [redacted] had good control of the suspect and took decisive action to take the suspect down and control him, once the suspect started to fight.

This incident and similar type incidents are constantly discussed at briefings for officer safety and to encourage teamwork, as well as reiterate the importance of knowing the Department's policies, procedures and guidelines.

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Watch Commander's Review

I contacted Suspect Munoz in the station jail. Suspect Munoz stated he was in front of his house when he was contacted by a female deputy who was pointing her gun at him. She told him to walk toward her with his hands up. He became scared and ran to his backyard. While in his backyard, he was suddenly "tazed." Suspect Munoz then ran away hopping the brick wall into his neighbor's yard, again hiding from deputies. The deputies contacted him again and took him to the ground. I saw the suspect had a swollen and bruised right eye area, abrasions to the right side of his face, and dried blood in his nostrils and on his lips. He also had what appeared to be puncture wounds to his right chest area and right arm. Suspect Munoz said he takes medication for his depression.

Based on the above investigation, I conclude the force used was necessary, reasonable, and within Department policy and guidelines. I recommend No Further Action is needed.

Case Status

The Los Angeles County District Attorney's South El Monte Office filed one count of 211P.C. and two counts of 148(a)(1)P.C. against Suspect Munoz. On May 11, 2011, Suspect Munoz was sentenced to three years of probation and 50 days in jail.